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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION
DISTRICT,

a corporation, et al.,

Defendants.

} 3:73-CV-00128-RCJ-WGC
} IN EQUITY NO. C-125-ECR

} **WALKER RIVER PAIUTE TRIBE'S**
} **RESPONSE TO MOTION TO**
} **DISMISS, OR IN THE**
} **ALTERNATIVE, TO STAY**
} **PROCEEDINGS FILED BY WALKER**
} **RIVER IRRIGATION DISTRICT**

Pursuant to the Court's order issued at a hearing held on November 4, 2013, *Minutes of Proceedings* at 3 (Nov. 4, 2013) (Doc. 1958), the Walker River Paiute Tribe ("Tribe"), a sovereign, federally recognized Indian tribe and Plaintiff-Intervenor in this matter, herein responds to the *Walker River Irrigation District's Motion To Dismiss Pursuant to Fed. R. Civ. P. 12(B)(1), or in the Alternative, to Stay Proceedings with Respect to Mineral County's Amended Complaint in Intervention* (Mar. 31, 2014) (Doc. 751), and the *Walker River Irrigation District's Points and Authorities in Support of Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(B)(1), or*

1 *in the alternative, to Stay Proceedings With Respect to Mineral County's Amended Complaint in*
2 *Intervention* (Mar. 31, 2014) (Doc. 751-1) ("WRID Motion and Brief"). For the reasons set forth
3 *in the Walker River Paiute Tribe's Points and Authorities in Support of Response in Opposition*
4 *to Motions to Dismiss Filed by Walker River Irrigation District, Nevada Department of Wildlife*
5 *and Circle Bar N Ranch* (May 30, 2014) (filed in subproceeding C-125-B (3:73-cv-127) as Doc.
6 2004-1), nothing in the WRID Motion and Brief justifies any limitation on the Court's exercise
7 of the jurisdiction it retained under the *Decree* (Apr. 14, 1936), *as amended by Order for Entry*
8 *of Amended Final Decree to Conform to Writ of Mandate Etc.* (Apr. 22, 1940) ("1936 Decree")
9 "for the purposes of changing the duty of water or for correcting or modifying this decree; also
10 for regulatory purposes, including a change of point of diversion or of the place of use of any
11 water user." 1936 Decree art. XIV. Because *Mineral County's Amended Complaint in*
12 *Intervention* (Mar. 10, 1995) (Doc. 20) involves water from the Walker River system, the Court
13 should exercise the jurisdiction it retained under the 1936 Decree.
14
15

16 RESPECTFULLY SUBMITTED this 30th day of May 2014.

17 LAW OFFICES OF WES WILLIAMS JR., P.C.

18 By /s/ Wes Williams Jr.
19 Wes Williams Jr.
20 3119 Pasture Road
21 P.O. Box 100
22 Schurz, Nevada 89427
23 Attorney for Walker River Paiute Tribe
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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of May, 2014, I electronically filed the foregoing “WALKER RIVER PAIUTE TRIBE’S RESPONSE TO MOTION TO DISMISS, OR IN THE ALTERNATIVE, TO STAY PROCEEDINGS FILED BY WALKER RIVER IRRIGATION DISTRICT” with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses that are registered for this case; and I further certify that on this 30th day of May, 2014, I caused a copy of the forgoing to be served on the following non CM/ECF participants by U.S. Mail, postage prepaid:

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